

SOMACH SIMMONS & DUNN
A Professional Corporation
THERESA C. BARFIELD (SBN 185568)
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
Telephone: (916) 446-7979
Facsimile: (916) 446-8199
Email: tbarfield@somachlaw.com

Attorneys for Defendant and Cross-Claimant
MOYER PRODUCTS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAXIM I PROPERTIES, a general
partnership,

Plaintiff,

v.

A.M. BUD KROHN, et al.,

Defendants.

CASE NO. 4:12-CV-00449 DMR

**JOINT STIPULATION AND REQUEST
FOR CONTINUANCE OF CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES; ORDER**

AND RELATED CROSS-ACTIONS.

Judge: Honorable Donna M. Ryu
Action Filed: January 27, 2012

This Joint Stipulation and Request for Continuance of the scheduled Case Management Conference is submitted on behalf of all parties remaining in this litigation as a result of ongoing settlement negotiations held pursuant to ADR Local Rule 7-1, under the direction of Magistrate Judge Cisneros.

WHEREAS, pursuant to this Court's order of April 10, 2024 (Doc. 359) granting the Order (as modified) on the Joint Stipulation and Request for Continuance of Case Management Conference and Related Deadlines, the Court set a date of July 17, 2024, at 1:30 p.m. for a continued Case Management Videoconference; and

WHEREAS, said Order (as modified) also set a deadline of July 10, 2024 for the parties to file a Joint Case Management Conference Statement; and

WHEREAS, by minute order dated May 2, 2024 (Doc. 360), a telephonic status conference was scheduled with Magistrate Judge Cisneros on June 20, 2024 at 1:00 p.m. for the parties to provide Judge Cisneros a progress update regarding resolution of the case. The parties appeared at the June 20 telephonic status conference and advised Magistrate Judge Cisneros that the parties' settlement negotiations are ongoing and the parties continue to be in communication with the California Department of Toxic Substances Control (DTSC) in furtherance of these settlement efforts. As a result of that status conference call, Magistrate Judge Cisneros issued a minute order on June 20, 2024 (Doc. 364) that no further settlement conferences will be scheduled for the foreseeable future.

WHEREAS, in recognition of the June 20, 2024 status conference with Magistrate Judge Cisneros and the ongoing communications with DTSC regarding issues critical to the settlement efforts, the parties agree and request that the Case Management Conference, currently scheduled for July 17, 2024, be continued for 30 - 45 days, to a date between August 16 and August 30, 2024, subject to the Court's availability. At a minimum, Plaintiff and defendant Moyer anticipate that a revised settlement between Maxim and Moyer will by that time be introduced to the Court, along with an anticipated timeline for a motion for determination of good faith settlement under Code of Civil Procedure section 877.6. In the interim, the parties are continuing discussions with DTSC to pursue a comprehensive settlement by all parties. The parties further agree and request that the current deadline to file a joint Case Management Conference Statement be continued to a date consistent with the new Case Management Conference.

NOW, THEREFORE, the parties hereby stipulate and jointly request that:

1. The Case Management Conference currently scheduled on July 17, 2024 be continued to a date convenient for the Court between August 16 and August 30, 2024; and
2. The date for submission and filing of a joint Case Management Conference Statement be continued to an appropriate date prior to the date of the continued Case Management Conference.

SOMACH SIMMONS & DUNN
A Professional Corporation

DATED: July 9, 2024

SOMACH SIMMONS & DUNN
A Professional Corporation

By: /s/ Theresa C. Barfield
THERESA C. BARFIELD
Attorneys for MOYER PRODUCTS, INC.

DATED: July 9, 2024

NIXON PEABODY LLP

By: /s/ Theresa C. Barfield (for Gregory O'Hara)
GREGORY P. O'HARA
Attorneys for MAXIM I PROPERTIES

DATED: July 9, 2024

SCHONBUCH HALLISSY LLP

By: /s/ Theresa C. Barfield (for Laurie Julien)
LAURIE S. JULIEN
Attorneys for CENTRAL COATING COMPANY,
INC.

DATED: July 9, 2024

BURNHAM BROWN

By: /s/ Theresa C. Barfield (for Charles Alfonzo)
CHARLES ALFONZO
Attorneys for A.M. BUD KROHN and
NATIONAL AUTO RECOVERY BUREAU, INC.

DATED: July 9, 2024

SILICON VALLEY LAW GROUP

By: /s/ Theresa C. Barfield (for Edward Arthur Kraus)
EDWARD ARTHUR KRAUS
Attorneys for TELEWAVE, INC. and
THERMIONICS LABORATORY, INC.

DATED: July 9, 2024

SPENCER FANE LLP

By: /s/ Theresa C. Barfield (for Servando Sandoval)
SERVANDO SANDOVAL
Attorneys for SPRAYTRONICS, INC.

DATED: July 9, 2024

LEWIS BRISBOIS BISGAARD & SMITH

By: /s/ Theresa C. Barfield (for Robert Farrell)
GLENN FRIEDMAN
ROBERT FARRELL
Attorneys for THE SHERWIN-WILLIAMS
COMPANY

1 DATED: July 9, 2024

BAY LAW GROUP LLP

2 By: /s/ Theresa C. Barfield (for Joshua Bloom)
3 JOSHUA A. BLOOM
4 Attorneys for RENESAS ELECTRONIC
5 AMERICA, INC.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL ORDER 49 CERTIFICATION

I, Theresa C. Barfield, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto, with the person approving the stipulation and consenting to the signing thereof noted on each signature line.

DATED: July 9, 2024

SOMACH SIMMONS & DUNN
A Professional Corporation

By: /s/ Theresa C. Barfield
Theresa C. Barfield
Attorneys for MOYER PRODUCTS, INC.

SOMACH SIMMONS & DUNN
A Professional Corporation

ORDER

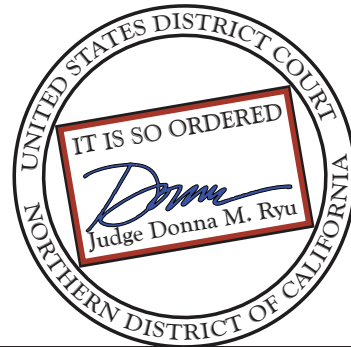
PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED THAT:

1. The Further Case Management Conference scheduled for July 17, 2024, at 1:30 p.m. is hereby continued to August 21, 2024, at 1:30 p.m. in Oakland, by videoconference only, before Chief Magistrate Judge Donna M. Ryu. All counsel and parties may access the webinar information (public hearings) at <https://cand.uscourts.gov/judges/ryu-donna-m-dmr/>.

2. The Joint Case Management Conference Statement due by July 10, 2024, is hereby continued to August 14, 2024.

IT IS SO ORDERED.

DATED: July 11, 2024



Chief Magistrate Judge Donna Ryu

SOMACH SIMMONS & DUNN
A Professional Corporation

CERTIFICATE OF SERVICE*Maxim I Properties v. Krohn, et al.*United States District Court – Northern District of California
Case No. 4:12-cv-00449-DMR

I am a citizen of the United States and am employed in the County of Sacramento, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 500 Capitol Mall, Suite 1000, Sacramento, California 95814. I declare that I am employed in the offices of a member of the bar of this court at whose direction the service was made.

X [Electronic Transmission] I hereby certify that on the date identified below, I electronically transmitted the foregoing **JOINT STIPULATION AND REQUEST FOR ADDITIONAL CONTINUANCE OF CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES; [PROPOSED] ORDER** to the Clerk of the Court using the CM/ECF System for filing, which will generate and transmit a notice of electronic filing to the CM/ECF registrants identified on the attached Service List:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 9, 2024, at Sacramento, California.

/s/ Jennifer Estabrook

Jennifer Estabrook

SOMACH SIMMONS & DUNN
A Professional Corporation

SERVICE LIST

| COUNSEL | PARTIES |
|--|---|
| <p>Charles Anthony Alfonzo Eric R. Haas Burnham Brown 1901 Harrison Street, 11th Floor P.O. Box 119 Oakland, CA 94612 Telephone: (510) 444-6800 Email: calfonzo@burnhambrown.com ewong@burnhambrown.com ehaas@burnhambrown.com dwatson@burnhambrown.com</p> <p>Kimberly Chew Dentons US LLP One Market Plaza, Spear Tower, 24th Floor San Francisco, CA 94105 Telephone: (415) 267-4000 Email: kimberly.chew@dentons.com agranger@burnhambrown.com ahokafonu@burnhambrown.com</p> | <p><i>Attorneys for Cross-Defendants</i> A.M. BUD KROHN and NATIONAL AUTO RECOVERY BUREAU, INC.</p> |
| <p>Edward Arthur Kraus Silicon Valley Law Group One North Market Street, Suite 200 San Jose, CA 95113 Telephone: (408) 573-5700 Email: eak@svlg.com</p> | <p><i>Attorneys for Cross-Defendants</i> TELEWAVE, INC. and THERMIONICS LABORATORY, INC.</p> |
| <p>Joshua A. Bloom Bay Law Group LLP P.O. Box 8554 Berkeley, CA 94707 Telephone: (510) 495-0418 Email: jbloom@baylawgroupllp.com csauceda@meyersnave.com</p> <p>Beth Koh Bay Law Group LLP 2001 Addison Street, Suite 300 Berkeley, CA 94704 Telephone: (510) 496-4416 Email: bkoh@baylawgroupllp.com</p> | <p><i>Attorneys for Cross-Defendant/Counter-Claimant</i> RENESAS ELECTRONIC AMERICA, INC.</p> |
| <p>Gregory Paul O'Hara Lauren Marian Michals Nixon Peabody LLP</p> | <p><i>Attorneys for Plaintiff/Counter-Defendant</i> MAXIM I PROPERTIES</p> |

| COUNSEL | PARTIES |
|---|--|
| <p>One Embarcadero Center Suite 3200/32nd Floor San Francisco, CA 94111 Telephone: (415) 984-8261 Email: gohara@nixonpeabody.com lmichals@nixonpeabody.com jcaruso@nixonpeabody.com verduga@nixonpeabody.com sf.managing.clerk@nixonpeabody.com</p> <p>George Washington Dowell, IV Willoughby Stuart & Bening Inc. 50 W. San Fernando Street, Suite 400 San Jose, CA 95113 Telephone: (408) 289-1972 Email: gwd@wsblaw.net dal@wsblaw.net</p> <p>Alexander Friedland Stuart Murphy Austin Adams Schoenfeld 1901 S. Bascom Avenue, Suite 1440 Campbell, CA 95008 Telephone: (408) 289-1972 Email: astuart@murphyaustin.com jwilhelm@murphyaustin.com marsha@wsbclawyers.com mnovack@murphyaustin.com</p> | |
| <p>Robert William Kenneth Farrell Glenn A. Friedman Lewis Brisbois Bisgaard & Smith LLP 45 Fremont Street, Suite 3000 San Francisco, CA 94105 Telephone: (415) 362-2580 Email: Robert.Farrell@lewisbrisbois.com glenn.friedman@lewisbrisbois.com ollye.robinson@lewisbrisbois.com terri.groshong@lewisbrisbois.com</p> | <p><i>Attorneys for Cross-Defendant</i> THE SHERWIN-WILLIAMS COMPANY</p> |

| COUNSEL | PARTIES |
|---|--|
| <p>Laurie Susan Julien Schonbuch Hallissy LLP 11999 San Vincente Blvd., Suite 300 Los Angeles, CA 90049 Telephone: (310) 556-7900 Email: julien@schonbuchhallissy.com</p> <p>Leith Bryant Hansen Jacobson, Hansen, Najarian & McQuillan 1690 West Shaw Avenue, Suite 201 Fresno, CA 93711 Telephone: (559) 448-0400 Email: lbh@jhnmlaw.com</p> <p>Probal Gerard Young Archer Norris Attorneys at Law 2033 North Main Street, Suite 800 Walnut Creek, CA 94596 Telephone: (925) 930-6600 Email: Pyoung@archernorris.com</p> | <p><i>Attorneys for Cross-Defendant</i> CENTRAL COATING COMPANY, INC.</p> |
| <p>Servando Sandoval Spencer Fane LLP 225 West Santa Clara Street, Suite 1500 San Jose, CA 95113 Telephone: (408) 286-5100 Email: ssandoval@spencerfane.com echavarria@spencerfane.com ejstephenson@spencerfane.com</p> | <p><i>Attorneys for Cross-Defendants</i> SPRAYTRONICS</p> |